

KPS CONSULTING

“Building an Access Bridge in Technology and Telecommunications”

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February 22, 2005

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: **Ex Parte Presentation**
CC Docket No. 98-67

Dear Ms. Dortch:

On February 22, 2005, on behalf of CSD, I sent an electronic communication to Greg Hlibok and had a telephone conversation with Thomas Chandler of the Disabilities Rights Office about apparent confusion among VRS providers regarding the FCC's recent ruling prohibiting certain types of call backs. Specifically, although the FCC's PN clearly prohibits call backs in which a caller always receives a recording, it does not address whether call backs from deaf users would be prohibited in other situations, including the following:

1. The user calls VRS, waits to get an interpreter, hangs up (after getting tired of waiting), and then the VRS provider later calls back that individual. In this scenario, the caller had not been requested to leave, and did not intentionally leave, any identifying information.
2. The user calls VRS, connects with the interpreter and the called party, and inadvertently, through a technical problem, gets disconnected in the middle of the call. The VRS agent calls back the caller who has been disconnected through no fault of his or her own.

Because, under the first scenario, the provider, not the consumer, is making a choice of when the the call is actually placed, it would seem that these types of call backs are impermissible. This is based on other conclusions made by the FCC in the PN, equating TRS/VRS with dial tone service - i.e., users must determine when their calls are made.

Call backs in the second scenario, however, would appear to be permissible, as the VRS agent would simply be calling back an individual who intended to make and complete the call but for the inadvertent technical problem. The provider would not, in this situation, be calling back an individual to prompt that individual to either make or prolong a call beyond the time that the caller desired. If these call backs are not permitted, consumers might not know why their calls had been disconnected.

It would be very helpful for the FCC to issue clarification on these points.

Sincerely,

A handwritten signature in cursive script that reads "Karen Peltz Strauss".

Karen Peltz Strauss
Legal Consultant to CSD